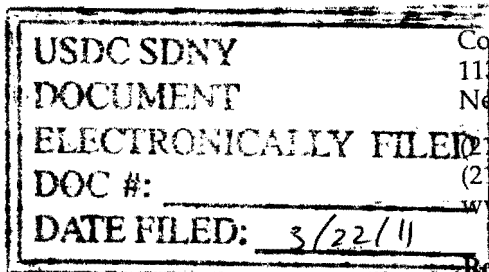


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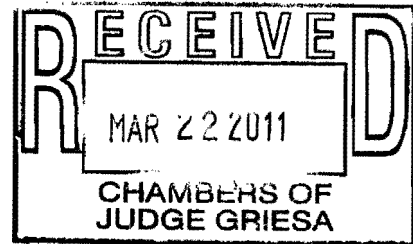
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**MEMO ENDORSED**

March 22, 2011

**By Hand**

Hon. Thomas P. Griesa  
United States District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312



Re: *Effie Film LLC v. Gregory Murphy*, 11-CV-0783 (TPG)

Dear Judge Griesa:

We represent the Defendant in the above-captioned matter.

Currently before this Court is Defendant's motion to dismiss the matter due to, *inter alia*, lack of jurisdiction. (Dkt. Entry # 7). Defendant has filed a brief in support, (Dkt. Entry # 8), with an Affidavit in support, (Dkt. Entry # 9), and Plaintiff has filed a brief in opposition with two affidavits in support and several hundred pages of exhibits (all together, Dkt. Entry # 11). For the reasons discussed below, Defendant respectfully requests leave to file an overlength reply brief.

In its opposition papers, Plaintiff has retreated from a material jurisdictional fact alleged in its Complaint. Furthermore, Plaintiff has put forward a new argument in favor of jurisdiction, based upon allegations not in the Complaint, but in the several hundred pages of new factual material submitted in support of its opposition. It would be prejudicial to Defendant, who argues that Plaintiff cannot meet its burden to establish jurisdiction, if Defendant were effectively limited, in making what will have to be a new affirmative argument as movant, to the page limitations of a reply brief. In addition, Plaintiff in its opposition has put at issue additional issues of law, asserting that jurisdictional allegations made in Plaintiff's declarations "must be taken as true." This purported statement of law is erroneous as applied to the instant motion and Defendant is entitled to brief the issue for the benefit of this Court.


**Cowan, Liebowitz & Latman, P.C.**

Hon. Thomas P. Griesa  
March 22, 2011  
Page 2

We have contacted Plaintiff's Counsel seeking consent for our request to file an overlength brief, which Counsel for Plaintiff has declined to give. No prior application for this relief has been made.

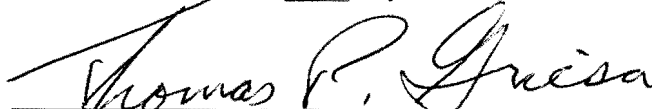
For the reasons discussed above, Defendant respectfully requests that this Court grant Defendant leave to file a brief in reply regarding Dkt. Entry # 7 of up to 20 pages.

Sincerely,



Robert W. Clarida

SO ORDERED this 22<sup>d</sup> day of March, 2011.



Thomas P. Griesa, U.S.D.J.

cc: Andrew L. Deutsch (via Fax: 212-884-8580)